

REMARKS

Reconsideration of the issues raised in the above referenced Office Action is respectfully solicited.

Paragraphs [0020] and [0021] have been amended to correct reference numerals recited therein and address other informalities. Approval of the amendments to the specification is respectfully requested.

The Abstract has been amended to conform to USPTO practice. Approval of the amended Abstract is respectfully requested.

The objection to the specification and the rejection of Claim 7 under 35 USC §112, second paragraph due to the phrase "scarf joint" has been considered. The term scarf joint is known in the art and defined as a bonded joint in which similar segments of adherents are cut away, with cut areas overlapped and bonded. The attached Glossary of Composite Terms from Fiberset Incorporated provides one example of the definition. Therefore, Applicant respectfully requests withdrawal of the objection to the specification and withdrawal of the rejection of Claim 7 as being indefinite.

The objection to Claim 5 due to a lack of antecedent basis has been considered. Claim 5 has been amended and withdrawal of the objection is respectfully requested.

Claims 1-10 and 12 have been amended and Claims 13-20 have been added. Claim 1 includes features from cancelled Claim 11. Applicant believes the amended and new claims, and especially independent Claims 1 and 13 which will be discussed separately, distinguish the various applied prior art references as follows.

The rejection of Claims 1-5, 7-9 and 11 under 35 USC §102(b) as being anticipated by De Laforcade, U.S. Patent No. 6 474 861 has been considered.

De Laforcade discloses a mixing device 1 having an upper bottle 2 containing a liquid and an intermediate element 13 having a cavity containing solids. The cavity is in a container having a removable stopper 20 at a top and a

separate wall 33 at a bottom that is movable in response to a force applied by an operating member threadably secured to the intermediate element 13. In use, the operating member 30 is turned to apply a force to wall 33 that moves upwardly to remove the stopper 20 so that the solids and liquid L are mixed. The top of the device includes a push button 6 for a pump 5 and a dispensing orifice 7. This type of push button pump is known in the art and enables the discharge of media in the container. The pump 5 is separate from the operating member 30 utilized to mix the ingredients. Further, reciprocating motion of the pump button 6 and thus multiple pump strokes are generally required to dispense the mixed media from the bottle.

Applicant's Claim 1 now recites a discharge device "wherein first and second force-limited retention devices with different locking forces receive an applied force from the pumping device and when the value of the applied force exceeds the locking force of the first force-limited retention device, the media reservoir sections open with respect to each other to mix the media, and subsequently, when the applied force exceeds the locking force of the second force-limited retention device, the media is discharged from the discharge opening".

As discussed above, De Laforcade discloses the operating member 30 for mixing the different media and an entirely separate push button pump arrangement 5, 6 for discharging the media. Therefore, Claim 1, and Claims 2-5 and 7-9 dependent therefrom, distinguish De Laforcade.

The rejection of Claims 1-4 under 35 USC §102(b) as being anticipated by Fujioka, U.S. Patent No. 5 171 219 has been considered.

The second embodiment illustrated in Figure 10 of Fujioka includes a first solvent container 2 and a separate administrator body 1 having solids stored therein. A piston head 33 having a hole is provided between the container 2 and the body 1. In use, the solvent container and a rod-like

connector 30 are linearly moved toward the administrator body 1 so that the liquid 4 stored therein eventually exits the piston head 33 through the hole to enter a chamber in the administrator body 1 that includes the solids.

Applicant's Claim 1 recites that "the media reservoir has at least two media reservoir sections positioned rigidly with respect to one another and which pass into one another in their interior through a step shoulder". This feature is not disclosed or suggested by Fujioka, which has two separate chambers that are not rigid with respect to one another, much less that pass into one another in their interior through a step shoulder.

For the above reasons, independent Claim 1, and Claims 2-4 dependent therefrom, distinguish Fujioka.

The rejection of Claims 1, 11 and 12 under 35 USC §102(b) as being anticipated by Gores, U.S. Pat. No. 3 735 900 has been considered. Applicant's Claim 11 has been cancelled and features thereof incorporated into Claim 1.

Gores discloses a dual ingredient storage intermixing and dispensing device. The device includes a cartridge having a main container 20, an auxiliary container 30 and a pumping device 40. The dispensing device is stored as illustrated in Figure 2.

In use, the pump piston 34 of Gores pulls the auxiliary container 30 outwardly from the main container 20 so that the media open to each other. The auxiliary container 30 is then rotated to provide a mixing effect with mixing blades 47. In order to then utilize the materials, the separate nozzle means 55 illustrated in Figure 1 must be attached to the dispensing device.

Applicant's Claim 1 recites that "first and second force-limited retention devices with different locking forces receive an applied force from the pumping device". Claim 1 further recites that "when the value of the applied force exceeds the locking force of the first force-limited retention device, the media reservoir sections open with respect to each

other to mix the media" and "subsequently, when the applied force exceeds the locking force of the second force-limited retention device, the media is discharged from the discharge opening". This feature is not present in Gores. Gores does not disclose or suggest a pumping device that is utilized to both mix media and then discharge the media from the discharge device. Instead, Gores utilizes a separate element, the nozzle means 55 to discharge the media. Further, it is unclear which elements in Gores comprise the first and second force-limited retention devices that receive an applied force from the pumping device.

Finally, Gores does not disclose or suggest the "two media reservoir sections positioned rigidly with respect to one another". As discussed above, the auxiliary container 30 of Gores is removable from the main container 20 and thus no rigid connection is possible.

For the above reasons, Claims 1 and 12 distinguish Gores.

The rejection of Claim 6 as being unpatentable under 35 USC 103 in view of De Laforcade has been considered. Claim 6 is allowable for the reasons set forth above with respect to independent Claim 1.

The rejection of Claim 10 under 35 USC §103 as being unpatentable over Fujioka in view of Inokuchi, U.S. Patent No. 6 332 721 has been considered. Inokuchi is directed to a laser diode module. Thus Inokuchi does not address the features of Claim 1 that distinguish Fujioka. Therefore Claim 10 is allowable for the reasons set forth above with respect to Claim 1.

In view of the above comments, Claims 1-10 and 12 distinguish the applied prior art.

~~--- New Claims 13-20 further distinguish the applied prior~~ art. For example, independent Claim 13 recites "a single stroke pump device" for "applying a first linear force in a first direction to open the sealing element so that the mediums in the two media reservoir sections mix during a first mixing stage, said single stroke pump device for applying a

second linear force in the first direction during a second discharge stage to discharge the mixed media from the discharge opening".

As discussed above, De Laforcade discloses an operating member 30 for mixing the media and a separate pump 5 for dispensing the media.

As discussed above, Fujioka discloses a discharge device that simply mixes and administers a preparation formed from a solvent and solids. There is no disclosure of two sealed media reservoir sections "positioned rigidly with respect to one another and including a sealing element separating the reservoir sections" as recited in Applicant's Claim 13.

As discussed above, Gores discloses an arrangement having a main container 20 and an auxiliary container 30 that are moved relative to each other to mix the media. A separate nozzle means 55 is then utilized to dispense the media. Applicant's Claim 13 recites "a single stroke pump device" to "open the sealing element so that the mediums in the two media reservoir sections mix during a first mixing stage" and "for applying a second linear force in the first direction during a second discharge stage to discharge the mixed media from the discharge opening". Gores does not disclose or suggest a single stroke pump device, much less a pump device that moves in a first direction to both open a sealing element and to discharge the mixed media.

For the above reasons, allowance of independent Claim 13, and Claims 14-20 dependent therefrom, is respectfully requested.

Further, Claim 18 more specifically recites structure from the embodiment in Applicant's Figure 1 that is not present in the applied prior art. Claims 19 and 20 recite features from Applicant's second embodiment illustrated in Figure 2 that are not present in the applied prior art.

Reconsideration and allowance of Claims 1-10 and 12-20 is respectfully requested.

Reconsideration and allowance of the claims is respectfully solicited.

Respectfully submitted,



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Encl: Fiberset Incorporated's Glossary of
Composite Terms (1 sheet)
Marked-up Abstract
Postal Card

136.05/04

ABSTRACT

~~1. Discharge~~ A discharge device for at least one medium-

~~2.1. Discharge devices for at least one medium with a media reservoir, a pumping device and a discharge opening are known.~~

~~2.2. According to the invention the media reservoir has at least two media reservoir sections positioned rigidly relative to one another and which pass into one another in their interior through a step shoulder. The reservoir sections are formed by two separate hollow bodies that are superimposed over a portion of their length and are tightly interconnected.~~

~~2.3. Use for the discharge of a medium.~~

~~3. Fig. 1.~~